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2                   IN THE UNITED STATES DISTRICT COURT  
3                   FOR THE EASTERN DISTRICT OF CALIFORNIA  
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7 HOWARD EALY,

8                   Plaintiff,

CV F 02 5897 AWI WMW P

9                   vs.

ORDER RE: FINDINGS &  
RECOMMENDATIONS (#45)

10 DR. ZOLLER, et al.,

11                   Defendants.

12                   /

13                   Plaintiff is a former state prisoner proceeding pro se in this civil rights action.  
14 The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §  
15 636(b)(1)(B) and Local Rule 72-302.

16                   On April 5, 2006, findings and recommendations were entered, recommending  
17 dismissal of this action for failure to prosecute. Plaintiff was provided an opportunity to file  
18 objections within thirty days. Plaintiff has not filed objections to the findings and  
19 recommendations.

20                   In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule  
21 73-305, this court has conducted a de novo review of this case. Having carefully reviewed the  
22 entire file, the court finds the findings and recommendations to be supported by the record and  
23 proper analysis.

24                   Accordingly, THE COURT HEREBY ORDERS that:

25                   1. The Findings and Recommendations issued by the Magistrate Judge on April

5, 2006, are adopted in full; and

2. This action is dismissed without prejudice for failure to prosecute. The Clerk is directed to close this case.

IT IS SO ORDERED.

**Dated:** May 29, 2006  
0m8i78

/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE